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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,308	01/31/2001	Outi Aho	442-010043-US(PAR)	2463
7590	04/19/2005		EXAMINER	
Perman & Green 425 Post Road Fairfield, CT 06430-6232			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,308

Applicant(s)

AHO, OUTI

Examiner

Roberta A Stevens

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/05/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Bhagwat (U.S. 6721805 B1).

1. Regarding claim 1, the admitted prior art teaches a device for transferring capability information, comprising: means for storing the capability information of the device means for preparing a message for transmission comprising processing according to a specific protocol stack, means for transmitting the message comprising a header part and a payload part,

2. the admitted prior art does not teach the device further comprises means for packing the capability information into the payload part of the message before the message is transferred to the protocol stack wherein the message is transmitted without separate request.

3. Bhagwat teaches (Table 2 and col. 9, line 19 – col. 10, line 15) means for packing the capability information into the payload part of the message before the message is transferred to the protocol stack wherein the message is transmitted without separate request. It would have been obvious to one of ordinary skill in the art to adapt Bhagwat's concept to the admitted prior art to allow more space for transmitting signaling information at one time.

Art Unit: 2665

4. Regarding claims 2 and 8, Bhagwat teaches (fig. 4) the data transmission protocol is WAP.

5. Regarding claims 3 and 9, the admitted prior art teaches the message is arranged for being transmitted to a multimedia messaging service center.

6. Regarding claims 4 and 10, the admitted prior art teaches the capability information comprises: at least some of the following: information on the hardware of the terminal, information on the software of the terminal, information on the WAP capabilities of a terminal, information of the capabilities of the browser, information on the capabilities of a network, and information on user preferences.

7. Regarding claim 5, the admitted prior art teaches (figure 3) the device is a wireless device.

8. Regarding claim 6, the admitted prior art teaches the device comprises a user interface for changing the capability information.

9. Regarding claim 7, the admitted prior art teaches a method for transferring capability information, which method comprises: storing the capability information of a device on the memory of the device, wherein a message is prepared for processing according to a specific protocol stack, the message comprising a header and a payload, comprising: processing the

Art Unit: 2665

message comprising the capability information according to a specific protocol stack; and transmitting the message.

10. the admitted prior art does not teach packing the capability information into the payload part of a message before the message is transferred to a protocol stack, and transmitting the message without separate requests.

11. Bhagwat teaches (Table 2 and col. 9, line 19 – col. 10, line 15) means for packing the capability information into the payload part of the message before the message is transferred to the protocol stack wherein the message is transmitted without separate request. It would have been obvious to one of ordinary skill in the art to adapt Bhagwat's concept to the admitted prior art to allow more space for transmitting signaling information at one time.

12. Regarding claim 11, Bhagwat teaches (fig. 4) transmitting the message over a radio interface to a gateway (68).

13. Regarding claim 12, the admitted prior art teaches transferring capability information, comprising a terminal and a multimedia messaging service center for implementing a multimedia messaging service between the terminal and the multimedia messaging service center wherein the terminal comprises means for packing the capability information of the terminal into the payload of the message that goes from the terminal to the multimedia messaging service center before the message is transferred to the protocol stack used..

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens  
Examiner  
Art Unit 2665

A handwritten signature in black ink, appearing to be 'S. Nguyen', with a long horizontal stroke extending to the right.

STEVEN NGUYEN  
PRIMARY EXAMINER